

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

AARON DANIEL PACE
5495 Shady Lane
Anderson, CA 96007

Registered Nurse License No. 677419

Respondent

Case No. 2009-312

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on March 5, 2010.

IT IS SO ORDERED February 3, 2010.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR.
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 JEFFREY M. PHILLIPS
Deputy Attorney General
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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2009-312

12 **AARON DANIEL PACE**
5495 Shady Lane
13 Anderson, CA 96007

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Registered Nurse License No. 677419

15 Respondent.
16

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the
21 Board of Registered Nursing. She brought this action solely in her official capacity and is
22 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
23 by Jeffrey M. Phillips, Deputy Attorney General.

24 2. Respondent Aaron Daniel Pace is representing himself in this proceeding and has
25 chosen not to exercise his right to be represented by counsel.

26 3. On or about April 10, 2006, the Board of Registered Nursing issued Registered Nurse
27 License No. 677419 to Aaron Daniel Pace (Respondent). The Registered Nurse License was in

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1 full force and effect at all times relevant to the charges brought in Accusation No. 2009-312 and
2 will expire on May 31, 2010, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2009-312 was filed before the Board of Registered Nursing (Board),
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent on June 5, 2009.
7 Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation
8 No. 2009-312 is attached as Exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 2009-312. Respondent has also carefully read, and understands the effects of this
12 Stipulated Settlement and Disciplinary Order.

13 6. Respondent is fully aware of his legal rights in this matter, including the right to a
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
15 his own expense; the right to confront and cross-examine the witnesses against him; the right to
16 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
17 the attendance of witnesses and the production of documents; the right to reconsideration and
18 court review of an adverse decision; and all other rights accorded by the California
19 Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 2009-312.

25 9. Respondent agrees that his Registered Nurse License is subject to discipline and he
26 agrees to be bound by the Board of Registered Nursing (Board)'s imposition of discipline as set
27 forth in the Disciplinary Order below.

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Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

Criminal Court Orders: If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

Upon successful completion of probation, Respondent's license shall be fully restored.

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1 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency
2 or practice as a registered nurse outside of California shall not apply toward a reduction of this
3 probation time period. Respondent's probation is tolled, if and when he resides outside of
4 California. Respondent must provide written notice to the Board within fifteen (15) days of any
5 change of residency or practice outside the state, and within thirty (30) days prior to re-
6 establishing residency or returning to practice in this state.

7 Respondent shall provide a list of all states and territories where he has ever been licensed
8 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide
9 information regarding the status of each license and any changes in such license status during the
10 term of probation. Respondent shall inform the Board if he applies for or obtains a new nursing
11 license during the term of probation.

12 5. **Submit Written Reports.** Respondent, during the period of probation,
13 shall submit or cause to be submitted such written reports/declarations and verification of actions
14 under penalty of perjury, as required by the Board. These reports/declarations shall contain
15 statements relative to Respondent's compliance with all the conditions of the Board's Probation
16 Program. Respondent shall immediately execute all release of information forms as may be
17 required by the Board or its representatives.

18 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
19 state and territory in which he has a registered nurse license.

20 6. **Function as a Registered Nurse.** Respondent, during the period of
21 probation, shall engage in the practice of registered nursing in California for a minimum of
22 twenty-four (24) hours per week for six consecutive months or as determined by the Board.

23 For purposes of compliance with the section, "engage in the practice of registered nursing"
24 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
25 non-direct patient care position that requires licensure as a registered nurse.

26 The Board may require that advanced practice nurses engage in advanced practice nursing
27 for a minimum of twenty-four (24) hours per week for six consecutive months or as determined
28 by the Board.

1 If Respondent has not complied with this condition during the probationary term, and
2 Respondent has presented sufficient documentation of his good faith efforts to comply with this
3 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
4 extension of Respondent's probation period up to one year without further hearing in order to
5 comply with this condition. During the one-year extension, all original conditions of probation
6 shall apply.

7 **7. Employment Approval and Reporting Requirements.** Respondent shall
8 obtain prior approval from the Board before commencing or continuing any employment, paid or
9 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
10 performance evaluations and other employment related reports as a registered nurse upon request
11 of the Board.

12 Respondent shall provide a copy of this Decision to his employer and immediate
13 supervisors prior to commencement of any nursing or other health care related employment.

14 In addition to the above, Respondent shall notify the Board in writing within seventy-two
15 (72) hours after he obtains any nursing or other health care related employment. Respondent
16 shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated,
17 regardless of cause, from any nursing, or other health care related employment with a full
18 explanation of the circumstances surrounding the termination or separation.

19 **8. Supervision.** Respondent shall obtain prior approval from the Board
20 regarding Respondent's level of supervision and/or collaboration before commencing or
21 continuing any employment as a registered nurse, or education and training that includes patient
22 care.

23 Respondent shall practice only under the direct supervision of a registered nurse in good
24 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods
25 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
26 approved.

27 Respondent's level of supervision and/or collaboration may include, but is not limited to the
28 following:

1 (a) Maximum - The individual providing supervision and/or collaboration is present in
2 the patient care area or in any other work setting at all times.

3 (b) Moderate - The individual providing supervision and/or collaboration is in the patient
4 care unit or in any other work setting at least half the hours Respondent works.

5 (c) Minimum - The individual providing supervision and/or collaboration has person-to-
6 person communication with Respondent at least twice during each shift worked.

7 (d) Home Health Care - If Respondent is approved to work in the home health care
8 setting, the individual providing supervision and/or collaboration shall have person-to-person
9 communication with Respondent as required by the Board each work day. Respondent shall
10 maintain telephone or other telecommunication contact with the individual providing supervision
11 and/or collaboration as required by the Board during each work day. The individual providing
12 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to
13 patients' homes visited by Respondent with or without Respondent present.

14 9. **Employment Limitations.** Respondent shall not work for a nurse's
15 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
16 traveling nurse, or for an in-house nursing pool.

17 Respondent shall not work for a licensed home health agency as a visiting nurse unless the
18 registered nursing supervision and other protections for home visits have been approved by the
19 Board. Respondent shall not work in any other registered nursing occupation where home visits
20 are required.

21 Respondent shall not work in any health care setting as a supervisor of registered nurses.
22 The Board may additionally restrict Respondent from supervising licensed vocational nurses
23 and/or unlicensed assistive personnel on a case-by-case basis.

24 Respondent shall not work as a faculty member in an approved school of nursing or as an
25 instructor in a Board approved continuing education program.

26 Respondent shall work only on a regularly assigned, identified and predetermined
27 worksite(s) and shall not work in a float capacity.

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1 If Respondent is working or intends to work in excess of 40 hours per week, the Board
2 may request documentation to determine whether there should be restrictions on the hours of
3 work.

4 10. **Complete a Nursing Course(s).** Respondent, at his own expense, shall
5 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
6 than six months prior to the end of his probationary term.

7 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
8 Respondent shall submit to the Board the original transcripts or certificates of completion for the
9 above required course(s). The Board shall return the original documents to Respondent after
10 photocopying them for its records.

11 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
12 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
13 amount of \$1,882.50. Respondent shall be permitted to pay these costs in a payment plan
14 approved by the Board, with payments to be completed no later than three months prior to the end
15 of the probation term.

16 If Respondent has not complied with this condition during the probationary term, and
17 Respondent has presented sufficient documentation of his good faith efforts to comply with this
18 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
19 extension of Respondent's probation period up to one year without further hearing in order to
20 comply with this condition. During the one-year extension, all original conditions of probation
21 will apply.

22 12. **Violation of Probation.** If Respondent violates the conditions of his
23 probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside
24 the stay order and impose the stayed discipline (revocation/suspension) of Respondent's license.

25 If during the period of probation, an accusation or petition to revoke probation has been
26 filed against Respondent's license or the Attorney General's Office has been requested to prepare
27 an accusation or petition to revoke probation against Respondent's license, the probationary

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1 period shall automatically be extended and shall not expire until the accusation or petition has
2 been acted upon by the Board.

3 **13. License Surrender.** During Respondent's term of probation, if he ceases
4 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
5 probation, Respondent may surrender his license to the Board. The Board reserves the right to
6 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
7 take any other action deemed appropriate and reasonable under the circumstances, without further
8 hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no
9 longer be subject to the conditions of probation.

10 Surrender of Respondent's license shall be considered a disciplinary action and shall
11 become a part of Respondent's license history with the Board. A registered nurse whose license
12 has been surrendered may petition the Board for reinstatement no sooner than the following
13 minimum periods from the effective date of the disciplinary decision:

14 (1) Two years for reinstatement of a license that was surrendered for any reason other
15 than a mental or physical illness; or

16 (2) One year for a license surrendered for a mental or physical illness.

17 **14. Mental Health Examination.** Respondent shall, within forty-five (45)
18 days of the effective date of this Decision, have a mental health examination including
19 psychological testing as appropriate to determine his capability to perform the duties of a
20 registered nurse. The examination will be performed by a psychiatrist, psychologist or other
21 licensed mental health practitioner approved by the Board. The examining mental health
22 practitioner will submit a written report of that assessment and recommendations to the Board.
23 All costs are the responsibility of Respondent. Recommendations for treatment, therapy or
24 counseling made as a result of the mental health examination will be instituted and followed by
25 Respondent.

26 If Respondent is determined to be unable to practice safely as a registered nurse, the
27 licensed mental health care practitioner making this determination shall immediately notify the
28 Board and Respondent by telephone, and the Board shall request that the Attorney General's

1 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
2 practice and may not resume practice until notified by the Board. During this period of
3 suspension, Respondent shall not engage in any practice for which a license issued by the Board
4 is required, until the Board has notified Respondent that a mental health determination permits
5 Respondent to resume practice. This period of suspension will not apply to the reduction of this
6 probationary time period.

7 If Respondent fails to have the above assessment submitted to the Board within the 45-day
8 requirement, Respondent shall immediately cease practice and shall not resume practice until
9 notified by the Board. This period of suspension will not apply to the reduction of this
10 probationary time period. The Board may waive or postpone this suspension only if significant,
11 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
12 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
13 Only one such waiver or extension may be permitted.

14 15. **Therapy or Counseling Program.** Respondent, at his expense, shall
15 participate in an on-going counseling program until such time as the Board releases him from this
16 requirement and only upon the recommendation of the counselor. Written progress reports from
17 the counselor will be required at various intervals.

18 ACCEPTANCE

19 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
20 stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated
21 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
22 bound by the Decision and Order of the Board of Registered Nursing.

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24 DATED: 11/15/2009

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AARON DANIEL PACE
Respondent

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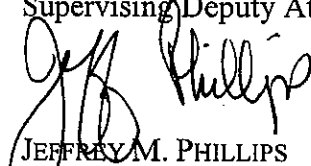
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1 ENDORSEMENT

2 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
3 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
4 Affairs.

5 Dated: 12/11/09

6 EDMUND G. BROWN JR.
7 Attorney General of California
8 ARTHUR D. TAGGART
9 Supervising Deputy Attorney General

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11 JEFFREY M. PHILLIPS
12 Deputy Attorney General
13 *Attorneys for Complainant*

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Exhibit A

Accusation No. 2009-312

EDMUND G. BROWN JR., Attorney General
of the State of California
ARTHUR D. TAGGART
Supervising Deputy Attorney General
JEFFREY M. PHILLIPS, State Bar No. 154990
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Facsimile: (916) 327-8643

Attorneys for Complainant

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

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REGISTERED NURSING
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CONSUMER AFFAIRS

In the Matter of the Accusation Against:

Case No. 2009 31

AARON DANIEL PACE
P.O. Box 155
Millville, California 96062

ACCUSATION

Registered Nurse License No. 677419

Respondent.

Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

Registered Nurse License

2. On or about April 10, 2006, the Board issued Registered Nurse License Number 677419 to Aaron Daniel Pace ("Respondent"). The registered nurse license was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2010, unless renewed.

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1 qualifications, functions, and duties of a licensed registered nurse. The circumstances of the
2 crime are that on May 3, 2008, Respondent willfully and unlawfully inflicted corporal injury
3 resulting in a traumatic condition upon confidential victim #1, who was the spouse, former
4 spouse, cohabitant, and mother of a child of defendant. Further, on or about May 16, 2008,
5 Respondent willfully and unlawfully possessed an assault weapon, to wit: SKS Assault Rifle.

6 PRAYER


7 WHEREFORE, Complainant requests that a hearing be held on the matters herein
8 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

9 1. Revoking or suspending Registered Nurse License Number 677419, issued
10 to Aaron Daniel Pace;

11 2. Ordering Aaron Daniel Pace to pay the Board of Registered Nursing the
12 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
13 Professions Code section 125.3; and,

14 3. Taking such other and further action as deemed necessary and proper.

15 DATED: 6/5/09
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18 
19 RUTH ANN TERRY, M.P.H., R.N.
20 Executive Officer
21 Board of Registered Nursing
22 Department of Consumer Affairs
23 State of California
24 Complainant
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